

EXHIBIT 6

In the Matter of:

KEITH REED

VS

ALECTO HEALTHCARE SERVICES, LLC

DANIEL DUNMYER

June 08, 2022



5010 Dempsey Drive
Cross Lanes WV 25313
304-415-1122

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT WHEELING

KEITH REED, LISA DOLENCE,
ELIZABETH SCHENKEL, EMILY
WINES, MARK GARAN and AUGUST
ULLUM, individually and on behalf of
others similarly situated,

Plaintiffs,

vs. Case No. 5:19-CV-00263-JPB

ALECTO HEALTHCARE SERVICES, LLC,
and ALECTO HEALTHCARE SERVICES
WHEELING, LLC, d/b/a OHIO VALLEY
MEDICAL GROUP and d/b/a OVMC PHYSICIANS,

Defendants.

DEPOSITION OF DANIEL DUNMYER
BY VIDEO CONFERENCE

The deposition of Daniel Dunmyer was
taken on June 8, 2022, at 1:00 p.m.,
at 5010 Dempsey Drive, Cross Lanes,
West Virginia.

ELITE COURT REPORTING, LLC
5010 Dempsey Drive
Cross Lanes, West Virginia 25313
(304) 415-1122

Martha Fourney, CSR

1 DANIEL DUNMYER,
2 called as a witness, first being duly
3 sworn by the Court Reporter/Notary Public,
4 testified as follows, to wit:

5 EXAMINATION

6 BY MR. POMPONIO:

7 Q. Good afternoon. This is -- I'm Bren
8 Pomponio. I represent the plaintiffs in this
9 case. Thank you for being here.

10 Could you state and spell your name for
11 the record?

12 A. Yes. It's Daniel Charles Dunmyer;
13 D-A-N-I-E-L, C-H-A-R-L-E-S, D-U-N-M-Y-E-R.

14 Q. Have you ever been deposed before?

15 A. Yes, I have.

16 Q. About how many times?

17 A. Between five and ten.

18 Q. And so I take it you're somewhat
19 familiar with this process, correct?

20 A. Somewhat familiar, yes.

21 Q. Okay. Well, if you need a break for
22 anything at any time -- we're scheduled to only
23 go two hours, so we're obviously not going to
24 be here all afternoon. But if you need a break

1 affiliated in any capacity with AHS?

2 A. I'll give you a guess. I think it was
3 around December 17th of 2018, I believe.

4 Q. Okay. And how did that -- what was
5 that affiliation?

6 A. Well, I was hired to be the CEO of OVMC
7 in East Ohio.

8 Q. Okay. And -- I'm sorry. I didn't mean
9 to cut you off.

10 A. I was going to give you my whole
11 history. Back when I was a kid, I was in
12 Charleston, South Carolina, at the time, and I
13 relocated to Wheeling.

14 Q. How did you get selected for that
15 position?

16 A. I was -- I don't know how my name got
17 to these folks. I guess maybe people in
18 Wheeling -- I knew people in Wheeling anyway.
19 But they put Lex Reddy and Ron Bingham in touch
20 with me. I talked with them on the phone
21 several times over several months. I can't
22 tell you more specific than that. I don't know
23 what the time frame was.

24 But then along about October, November,

1 number. I'm sorry.

2 Q. Do you have a recollection when it
3 was -- the date that they were terminated?

4 A. I do not. I didn't see any letters.
5 I've talked with my attorneys. I was -- we did
6 not go over any piece of paper. And I don't
7 have those with me, so I could not remember
8 that.

9 Q. So there's documents that have been
10 produced in connection with this case that
11 refer to something called flexing. Are you
12 familiar with that term?

13 A. With what?

14 Q. Flexing.

15 A. Flexing? Flexing of staff or flexing
16 of hours?

17 Q. Right.

18 A. I'm familiar with that.

19 Q. I'm talking about flexing of staff.

20 A. Well, I've used that term in every
21 hospital I've been in. If it means the same --
22 without the context -- if you show me the
23 letter that says it, I will tell you. But we
24 do that currently. If census drops, you flex

1 your team, you drop hours. So I'm familiar
2 with the term. I'm familiar for -- what it
3 does for us. But without a copy of the letter
4 or the context of the letter, I don't know how
5 to answer you.

6 Q. Okay. That's fair enough. And you
7 obviously -- I just wanted to know, first of
8 all, if you were familiar with it --

9 A. Yeah.

10 Q. -- the term, and would like you to --
11 and you started to do this -- explain to me
12 what it is. And you started to explain it.
13 And you said that if the census drops, then you
14 flex the staff out. Is that -- am I saying it
15 --

16 A. I didn't say it quite that way. But,
17 yes, if census drops, you call people off.

18 Q. Okay. And what's the census?

19 A. The number of patients in the hospital;
20 number of patients coming into different
21 departments for services.

22 Q. Okay. So how was the staffing at OVMC
23 handled after it was announced that the
24 hospital was going to close?

1 A. I can't recall how we did it. I want
2 to answer your questions, but I've got to have
3 more facts I guess. But we reduced staff
4 because of reduced activities.

5 Q. Okay. And so if -- was staff permitted
6 to come to work if there was not any work for
7 them to do after August 7th?

8 A. If there was no work to be done, I
9 assume we said stay home. Or we could -- if we
10 were short in another department -- if they had
11 the credentials, we could move them to another
12 department. But I can't remember how we
13 handled different days there.

14 So in general terms, yeah, we could --
15 we'd call them off, send them home, have them
16 work half days, work in other departments -
17 this is any hospital - in order to get the job
18 done, take care of the patients, but also be
19 aware of reducing costs where you can. So I
20 don't recall how we did it those days. I can't
21 even tell you what the census was on
22 August 7th. I have no recollection.

23 Q. Well, certainly after September 3rd
24 when the acute care and emergency services were

1 suspended, the census presumably dropped
2 dramatically?

3 A. To zero, yeah.

4 Q. After that date, how was the staffing
5 handled? What you're saying is that the
6 paperwork told us not to come in?

7 A. I guess that's true, yes. We had some
8 that did. We still had to collect the bills --
9 or patients -- yeah, we had the bills for the
10 services. We had to support and record medical
11 records. Those types of things went on
12 afterwards. So there were some that were still
13 working. But if their job was not required,
14 they would have been called off, yes.

15 Q. Okay. And do you have a recollection
16 about -- sort of the percentage of the
17 workforce there -- percentage of employees at
18 OVMC that -- after that September 3rd closure
19 were still coming to work?

20 A. I can't -- I have no idea. There were
21 some. It was not a large percentage, but there
22 were some. I don't know what percentage was
23 still coming.

24 Q. Is it fair to say by October 1st most